

PATENT COOPERATION TREATY

Mot-C
PCT/US2004/026054

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

JACOBS, Jeffrey, K.
1303 East Algonquin Road
Schaumburg, IL 60196
ETATS-UNIS D'AMERIQUE

Date of mailing (*day/month/year*)
30 March 2006 (30.03.2006)

Applicant's or agent's file reference
CE11765R

Sayeedi, Shahab

IMPORTANT NOTICE

International application No.
PCT/US2004/026054

International filing date (*day/month/year*)
11 August 2004 (11.08.2004)

Priority date (*day/month/year*)
17 September 2003 (17.09.2003)

Applicant

MOTOROLA, INC. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

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APR 10 2006

Schaumburg Docketing

The International Bureau of WIPO
34, chemin des Colombettes
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference CE11765R	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2004/026054	International filing date (<i>day/month/year</i>) 11 August 2004 (11.08.2004)	Priority date (<i>day/month/year</i>) 17 September 2003 (17.09.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant MOTOROLA, INC.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis*.2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 21 March 2006 (21.03.2006)
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

REC'D 18 APR 2005

WIPO PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
JEFFREY K. JACOBS
1303 EAST ALGONQUIN ROAD
SCHAUMBURG, IL 60196

Date of mailing
(day/month/year) **15 APR 2005**

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

CE11765R

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US04/26054

11 August 2004 (11.08.2004)

17 September 2003 (17.09.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): H04Q 7/00 and US Cl.: 370/332; 455/437, 525, 560

Applicant

MOTOROLA, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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Authorized officer

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/26054

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/26054

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-10	YES
	Claims NONE	NO
Inventive step (IS)	Claims 3-10	YES
	Claims 1-2	NO
Industrial applicability (IA)	Claims 1-10	YES
	Claims NONE	NO

2. Citations and explanations:

Please See Continuation Sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/26054

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-2 lack an inventive step under PCT Article 33(3) as being obvious over Chang in view of Knisely et al.

Claim 1, Chang teaches a method for providing forward packet data service to mobile stations (MSs) in a mobile communication system (FIG. 8, page 1 paragraph [0007], page 5 paragraphs [0073]-[000076]) referenced by the Concurrent Service 80a of the MS to the Packet Data Service Node through the Source Base Station in a CDMA mobile communication system, the method comprising providing by a cell in the mobile communication system data transmission service via a forward link (FIG. 6, page 4 paragraph [0058]) referenced by the use of Cell Identifier parameter to establish the data transmission with the Source Base Station, indicating to an MS that the cell will not provide data transmission service to the MS via the forward link (FIG. 8, page 5 paragraphs [0073]-[000076]) referenced by the BS Ack ORDER message 80l from the Target Base Station to the MS which indicates the Source Base Station will not provide data transmission service. Chang does not teach a forward packet data channel (F-PDCH). Knisely teaches a Forward Packet Data Channel (page 1 paragraph [0007]) referenced by the Forward-Packet Data Channel transmission of data from the base station to the mobile station. It would have been obvious to employ the F-PDCH of Knisely to the forward packet service of Chang for the purpose of having the base station convey communication signals to and from mobile equipment.

Claim 2, Chang teaches wherein providing data transmission services comprises providing data transmission services to the MS (FIG. 8, page 3 paragraph [0033]) referenced by the concurrent service inclusive of packet services to the MS, and wherein indicating that the cell will not provide data transmission service to the MS comprises indicating by the cell that the cell will no longer provide data transmission service to the MS via the forward link (FIG. 8, page 5 paragraphs [0073]-[0076]) referenced by the BS Ack ORDER message 80l from the Target Base Station to the MS which indicates the Source Base Station will no longer provide data transmission service. Chang does not teach a forward packet data channel (F-PDCH).

Knisely teaches a Forward Packet Data Channel (page 1 paragraph [0007]) referenced by the Forward-Packet Data Channel transmission of data from the base station to the mobile station. It would have been obvious to employ the F-PDCH of Knisely to the forward link of Chang for the purpose of having the base station convey communication signals to and from mobile equipment.

Claims 3-4 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest that the cell will not provide data transmission service to the mobile station via the F-PDCH comprises sending a channel assignment message to the MS that the cell does not support a F-PDCH nor is part of an active set.

Claims 5-10 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest sending an indication to the MS that the target cell is presently unavailable to provide data transmission service to the MS via the F-PDCH of the

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/26054

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

target cell.

Claims 1-10 the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.